

1909-055 Chancery Causes: Charles Thomas vs Sarah Thomas  
Lee Co.

Bundy, Carter, Cassel

CA-Divorce

T-Vies



To the Honorable H.A.W.Skeen, Judge of the Circuit Court of  
of Lee County, Virginia:

Humbly complaining your complainant, Charles Thomas would  
respectfully represent and show unto your honor that he on the \_\_\_ day  
of \_\_\_ 18--was married to one Sarah Bundy; that they lived together for  
some few years and their was born to their marriage one child aged  
three years, a girl. <sup>named Rita</sup> Your complainant alleges that he has always been  
to his said wife kind and gentle and supported and maintained her the  
best he could, but that she has disregarded her marriage vows and been  
guilty of repeated acts of adultery, in the vicinity and neighborhood  
of Hagan, Va. and has left her home and is living with a woman near  
Jonesville, who keeps a huse of ill-fame.

Your complainant alleges that he is a resident and citizen of  
Lee County Va. and has been all his life; that the acts of adultery  
complained of have been committed within the last five years before  
the institution of this suit, and that said acts were ~~with~~ out his ~~p~~  
procurement or connivance; and that he has not lived nor co-habited  
with his said wife since he had knowledge of her said acts of adul  
tery; that he has the custody of the child and alleges that he is  
the proper custodian of the same.

The prayer of your complainant is that the said Sarah Thomas ~~be~~  
be made a party defendant to this bill, and answer the same ~~on~~  
but not on oath that being waived; that he be granted a divorce from  
his said wife a vinculo Matrimonii; that he be decreed the custody  
of the said child, and your Complainant prays for all other and  
further relief generally that the nature of the case may require  
or to equity seem meet and he will ever pray &c.

E. J. Woodward P. Q.



Charles Thomas. <sup>1834</sup>

U.S. <sup>Ex</sup> Chancery -

Sarah Thomas.

1909 First April Rules

Bill filed, & <sup>Ex</sup>pa  
executed.

" 2<sup>nd</sup> apr. Rules  
cause set for  
hearing.

Costs:

Clerk \$5.10

Shff. 3.60

atty. 15.00

Tax 1.50

Comm. 1.50

Wits. 2.46

\$29.16



To the HOn. H. A. W. Skeen, Judge of the Circuit Court of  
Lee County, Virginia.

The demurrer and answer of Sarah Thomas to a bill filed  
against her in this honorable court by Chas. Thomas. For demurrer  
thereto, this respondent says that said bill is not sufficient in  
law, and accordingly demurs to the same; but should any other or  
further answer be necessary, answering she says; It is true that  
she was married to the plaintiff about ten years ago, that they  
lived together as husband and wife until a short time ago. And  
there was born to them a child, girl, names Rita, who was two years  
old in January last, but it is not true that your respondent has  
been guilty of adultery nor is it true that she has left home without  
the consent of her husband and that she is living with a woman  
near Jonesville, who is keeping a house of ill fame, Upon the  
contrary, about            months ago she, at the earnest solicitation and  
request of her husband, left her home and came to the place where  
she has since been staying for the purpose of medical treatment by  
a physician in Jonesville, and that she has remained there, in fact  
he sent her there when she first came to the place where she <sup>is</sup> now  
~~staying~~ <sup>staying</sup>. Your respondent denies each and every allegation of said bill  
not hereinbefore admitted or denied, and calls for strict proof of  
the same, and upon the contrary she alleges that she has been  
a faithful wife to her said husband, and that his allegations <sup>to the contrary</sup> are  
untrue, and ~~that~~ she asks this honorable court that she be  
allowed the custody of her child and be permitted to raise the same,  
in case a separation should be decreed between her and her said  
husband. *And that plaintiff be required to pay to defendant \$25.00  
for temporary alimony & court money.*  
Now having answered <sup>ed</sup> as fully as she is advised that it is  
material for her to answer, she prays to be hence dismissed with  
her reasonable costs in this behalf expended. And she will ever  
pray &c.

*Ans & Acc. for Deft.*



Sarah Thomas.

ado<sup>3</sup> Aug

Charles Thomas.

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Filed 2<sup>nd</sup> April Rules  
1909.

H. C. T. Ewing,  
Clerk



Charles Thomas, \_\_\_\_\_ Plaintiff.

vs.

In Chancery.

Sarah Thomas, \_\_\_\_\_ Defendant.

This cause came on this day to be heard upon the bill of plaintiff, and answer of the defendant, and general replication to said answer, and depositions of witnesses and was argued by counsel

On consideration of which, it is adjudged, ordered and decreed, ~~that~~, the court being of the opinion that the allegations in the plaintiffs bill have been proven; that the bonds of matrimony heretofore contracted between plaintiff and defendant be dissolved; and that the plaintiff, Charles Thomas, be forever divorced from the defendant, Sarah Thomas, avinculo matrimonii, and it is further decreed by the court that the father ~~of~~ the plaintiff, be awarded the custody and control ~~of~~ the infant child, Rita, with the privilege to the mother to visit the said child; and it is further decreed that the plaintiff pay the cost of this suit to be taxed by the clerk.

*And* the cause is stricken from the docket.



Charles Thomas.  
vs. { Decree —

Sarah Thomas.

Entered in C.O.B.  
# 8, page 499

Enter this —

H. A. W. Sium

Sept. 10<sup>th</sup> 1909



Charles Thomas.  
against  
Sarah Thomas.

Plaintiff } In chancery.  
Defendant }

Upon the calling of this Cause the defendant moved the Court to require the plaintiff to pay to the defendant, or her attorney, \$25.00 temporary alimony and suit money, which motion was resisted by plaintiff. And said motion being argued it is adjudged, ordered and decreed that the plaintiff pay to the defendant, or her attorney, the sum of \$25.00 for temporary alimony and suit money, for which execution may issue, and the cause is continued.

W. C. JONES 1308



Charles Thomas  
of Decree  
Beriah Thomas

Entered in C.O.B.  
#8, page 485

Enter this decree  
Haw Sium  
May 7<sup>th</sup> 1909.



ELY & WOODWARD  
Attorneys-At-Law  
JONESVILLE, VA.

The depositions of M. W. Thomas and others taken,

before me, Geo. P. Cridlin, a Commissioner in Chancery for the Circuit Court of Lee County, at the office of M. G. Ely, in Jonesville, Va., on the 19th day of April, 1909, pursuant to notice hereto attached, which depositions are intended to be read as evidence in behalf of the plaintiff in a certain suit in Chancery now pending in the Circuit Court of Lee County, in which Charles Thomas is plaintiff and Sarah Thomas is defendant:

Present M. G. Ely, attorney for plaintiff:

No witness appearing on this day the further taking of these depositions is adjourned the 24th day of April, 1909, at the same place:

Geo. P. Cridlin, Comm'r in Chy.

Met pursuant to adjournment at the office of M. G. Ely, in the town of Jonesville, Virginia, on the 24th day of April, 1909.

Present M. G. Ely attorney for plaintiff,

J. W. Orr attorney for defendant.

M. W. Thomas a witness of lawful age, being first duly sworn deposes as follows:

Q.1.-- State your age, residence and occupation.

A.-- I am 19 years old, live at Hagan, Lee County, Va., and am a laborer.

Q.2.-- Please state whether or not you are acquainted with the parties to this suit, if so how long have you known them and what relation are you to them?

A.-- I am acquainted with both parties, have known ~~them~~ Char. Thomas all my and Sarah Thomas about 10 years. life. I am first cousin to Charlie Thomas.

Q.3.-- Please state where Charlie Thomas resides and how long has he resided there?



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Attorneys-At-Law  
JONESVILLE, VA.

A.-- He lives at Hagan, Lee County, Virginia, and has lived there all his life.

Q.4.-- State if you know, whether or not the defendant Sarah Thomas, at any time since her marriage to Chas. Thomas has been guilty of acts of adultery?

A.-- I do know that she has been guilty of acts of adultery since her said marriage.

Q.5.-- Please state about when and where it was?

A.-- It was about two years ago, in the vicinity of Hagan, Va. at Charlie Thomas' home.

Q.6.-- State if you know whether or not Charlie Thomas knew at the time anything about the acts of adultery of which you speak?

A.-- He did not.

Q.7.-- State, if you know, when Charlie Thomas first learned of these acts of adulter, that you know about?

A.-- I suppose he just learned what I know latly about the time this suit was brought.

Obj.-- The foregoing answer is objected to because the witness states his supposition and not the facts.

J. E. Orr for deft.

Q.8.-- State how many children the parties to this suit have, and how old they are?

A.-- They have three children, two dead and one alive. The one that is alive is at Charlie Thomas' mothers and is two or three years old. It is a girl.

Q.9.-- State where Charlie Thomas' wife is living now, and when did you last see her?

A.-- She is living at Mag Rutherford's near Jonesville. I saw her this morning.



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Attorneys-At-Law  
JONESVILLE, VA.

Cross Examination.

X.Q.1.-- Did you ever inform Charlie Thomas of the alleged adultery by his wife?

A.-- I never did.

X.Q.2.-- Do you know how the defendant happened to come to the place where she is now staying?

A.-- I don't know anything about it only I heard that Charlie Thomas brought her up there.

X.Q.3.-- Is it not a fact that Charlie Thomas sent his wife to Mrs. Rutherford so she could be near Jonesville and receive medical treatment from a Jonesville physician?

A.-- I don't know anything about that.

X.Q.4.-- Do you know how long it has been since she left home and came to Mrs. Rutherford's?

A.-- I don't know, but think it has been about three or four months.

X.Q.5.-- With whom was the acts of adultery committed that you speak of?

A.-- I suppose it was me, - I know it was.

X.Q.6.-- Do you know of any acts of adultery committed by the plaintiff since his marriage to the defendant?

A.-- No, sir.

And further this deponent saith not.

M W Thomas

Wit. claims one day \$0.50  
mileage 16 miles .24  
\$00.74

The further taking of these depositions is adjourned to the same place on the 17th day of May, 1909.

Geo P Cridler



ELY & WOODWARD  
Attorneys-At-Law  
JONESVILLE, VA.

Met pursuant to adjournment on the 17th day of May, 1909.

D.W. Carter another witness of lawful age being duly sworn deposes as follows:

Q.1.-- State your age, residence and occupation and whether or not you are acquainted with the parties to this suit.

A.-- I am about 53 or 34 years old, reside near Hagan, occupation farming. I am acquainted with parties to this suit have know them between 8 and 11 years.

Q.2.-- Please state if you know whther or not the defendant has been guilty of any acts of adultery since her marriage with Charlie Thomas?

A.-- I know that she has been guilty of acts of adultery since her marraige with Chas. Thomas.

Obj.-- The foregoing question and answer thereto is excepted to because no place or definite time is fixed.

J. W. Orr, atty. for deft.

Q.3.-- Please state whether or not in your opinion the defendant Sarah Thomas, is a fit and proper person to have the custody and control of the little child and raise it?

A.-- I don't think she would be. According to her character she would not be a fit person to raise it, and she is here and yonder, has no settled down home or place to stay.

Cross Examination.

X.Q.1.-- (By Judge Orr.) Do you know of any acts of adultery committed by the plaintiff since his marriage with the plaintiff?

Obj.-- Objected to because immaterial and because not an issue in this case.

M. G. Ely for plff.

A.-- I do not.

X.Q.2.-- Do you know of his associating with or keeping company



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Attorneys-At-Law  
JONESVILLE, VA.

with women of bad character for virtue? since his marriage?

Obj.-- Objected to for same reason. M.G.Ely, for plff.

A.-- I don't know as I do.

X.Q.4.-- Where does the plaintiff now reside and make his home?

A.-- I reckon he lives at his uncle Joe. Thomas', he works there and I reckon he makes his home there.

X.Q.4.-- Where does the child stay, and who has it in charge?

A.-- All I know about is what he told me- he said it was at his mother's.

X.Q.5.-- Is Chas. Thomas a man of means, or what property has he?

A.-- He owns no land, and no personal property that I know of

X.Q.6.-- Considering the financial standing of the plaintiff and defendant and the fact that the child in controversy is a female child, and only about two years of age, which do you really think would be better to have the care and custody of the child the plaintiff or the defendant?

A.-- I think he ought to have it. If he will keep it at ~~his~~ his mother's, she is a good religious woman and lives near a school and I think she would raise it right.

And further this deponent saith not.

Wit. plain 1 day \$.50 paid.  
10 miles .40  
    .90

*his*  
D. W. Carter  
*mark*



ELY & WOODWARD  
Attorneys-At-Law  
JONESVILLE, VA.

Bayless Cassel another witness of lawful age being duly sworn deposes as follows:

Q.1.-- State your, age, residence and occupation and whether or not you are acquainted with the parties to this suit.

A.-- I am 25 years, live near Hagan, Va., occupation farmer. I do know the parties to this suit, have known them about one year.

Q.2.-- State whether or not, if you know, the defendant Sarah Thomas has been guilty of acts of adultery since her marriage to Charlie Thomas, and within the last five years?

A.-- I do know that she has been guilty of adultery within the last five years and since her said marriage.

Obj. The foregoing question and answer are excepted to because no definite time nor place are fixed.

J.W.Orr, for deft.

Q.3.-- State about when and where it was the acts of adultery occurred, of which you know.

A.-- It was last summer and in the neighborhood of Hagan.

Obj.-- The foregoing question and answer are excepted to for the reasons above stated.

J.W.Orr for deft.

Cross Examination.

X.Q.1.-- (By Judge Orr) With whom were the acts of adultery spoken of committed?

A.-- I don't want to answer that question.

X.Q.2.-- Are you married or single?

A.-- Single.

And further this deponent saith not.

*his*  
Bayless Cassel  
*mark*

Wit. claim \$.50. paid.  
8 miles      .32  
                 .82



ELY & WOODWARD  
Attorneys-At-Law  
JONESVILLE, VA.

Virginia, Lee County, to-wit:

I, Geo.P.Cridlin, a commissioner in Chancery for the Circuit Court of Lee County, Virginia, do certify that the foregoing depositions of *D. W. Carter and Baylin* subscribed and sworn to by *U. W. Thomas*, was taken before me at the time, place and for the purpose in the caption mentioned.

Given under my hand this the 5th day of May, 1909.

*Geo. P. Cridlin*  
\_\_\_\_\_  
Commissioner in Chancery.



Charles Thomas

vs. { In Chy.

Sarah Thomas

Pffs. Depositions

M. W. Thomas <sup>Cost</sup> .74

Court's fee .75

\$1.49

Filed by Geo. P. Cridder  
Court in Chy. this <sup>Sept</sup> ~~May~~,  
~~5th~~ 1909.

J. C. D. Ewing,  
Clerk



To

*Sarah Thomas*

Take notice that

*2*

shall, on the

*19<sup>th</sup>*

day of

*April*

1909.

at

*the Law office of M. G. Ely in the town of  
Jonesville Va.*

between the hours of *6* A. M. and *6* P. M., on that day, proceed to take the depositions

of

*Tim Speaks*

and others, to be read in evidence in *my* behalf,

in a certain

*suit*

depending in the

*circuit*

court for the

*County*

of

*Lee*

wherein you are

*Defendant*

and

*I am Plaintiff*

and if from any cause, the taking of the said depositions be not commenced on that day, or if commenced, be not concluded on that day, the taking of the same will be adjourned and continued from day to day, or from time to time, at the same place and between the same hours, until the same shall be completed. Very respectfully,

*4/14/09-*

*Charles Thomas*

*By Counsel*



Charles Thomas

vs. }

NOTICE TO TAKE  
DEPOSITIONS.

Sarah Thomas

Ely Ed Woodward - p. q.

Executed by deliver-  
ing a true copy of  
the within Notice  
to Sarah Thomas  
this April 15 1909  
W. G. Tucker  
S. L. C.



Charles Thomas.

Plaintiff

against

Sarah Thomas.

Defendant.

In chancery.

This day came the parties by their attorneys,  
and on motion of the defendant it is order-  
ed that the plaintiff be summoned to appear  
here on the 5<sup>th</sup> day of the present term to  
show cause if any he can why he shall  
not be fined for his failure to pay to the  
defendant, or her attorney, the sum of  
\$25.00 temporary alimony and suit money  
as ordered by this Court by its decree  
entered herein at the last term. Until  
which time the cause is continued.



Charles Thomas,  
vs Rule  
Sarah Thomas,

Entered in C.B.  
# 8, page 491

Enter this order,  
H. A. US, Silvers  
Sept 6<sup>th</sup> 1909.



Virginia,

To the Sheriff or any Constable of said County, Greeting:

You are hereby commanded to summon Milt Thomas, Daniel Carter  
*S. J. Burt & Bayless Cardell*  
and Timothy Speak to appear before me at the office of M.G. Ely in  
the Town of Jonesville, Va. on the 24th day of April, 1909, to  
testify and depose before me in behalf of the plaintiff in a cer-  
tain suit in chancery now depending in the Circuit Court of Lee  
County in which Charles *Thomas* is plaintiff and Sarah *Thomas* is  
defendant; and have then there this writ.

Given under my hand this the 19th day of April, 1909.

*Geo. P. Cridlie*  
\_\_\_\_\_  
Commissioner in Chancery.



Charles Thomas.

No. { Summer

Sarah Thomas -

April 20/05

Executed by Survey.  
all the within named

all the within hand

Chap. Burz

Caster & Carter.

Said they would  
have to have their  
attendance in  
advance is

have to have there

afforded in

Alvarez

C. E. Burnett D.S.

For W. Y. Tucker  
L. C.

W. L. G.

7600  
1000  
400  
1200  
1000



**The Commonwealth of Virginia,**

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

*Sarah Thomas*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on  
the *1st* Monday in *April*, 190*7*, to answer a bill in chancery exhibited against *her*  
*in our said Court by Charles Thomas -*

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *2nd*  
day of *April*, 190*7*, and 1*33rd* year of the Commonwealth.

A Copy, Teste:

*H. C. T. Ewing*, Clerk

\_\_\_\_\_, Clerk



Charles Thomas

VS

SUBPOENA  
IN  
CHANCERY

Sarah Thomas

Ely & Woodward, p. q.

To

1st April

Rules

Lee Circuit

Court

1909 -  
Executed by delivering a  
true copy of the within  
sup in chancery to  
Sarah Thomas, this April  
3-1909 - France Dwyer D.V.  
for W. J. Tucker  
S. L. C.



*The Commonwealth of Virginia,*

To the Sheriff of the County of Lee Greeting:

WE COMMAND YOU THAT YOU SUMMON

*Bayless Castle, and Daniel  
Cartier*

*Gio. P. Bridlin Comr. in Ch'cy at the office of M. G. Eby Jones, Jr. 19th*  
to appear before the Judge of our Circuit Court of the County of Lee, at the court house thereof, on the

day of *May* 190*9*, to testify and the truth to say in behalf of the

*Plaintiff*, in a certain matter of controversy in our said court before the  
said Judge depending and undetermined between

*Charley Thomas* Plaintiff, and

*Sarah Thomas* Defendant. And this *they*

shall in no wise omit, under the penalty of £100. And have then there this writ.

Witness H. C. T. EWING, Clerk of our said court, at the court house the *12th* day of

*May*, 190*9*, and in the *42/33* year of the Commonwealth.

*H. C. T. Ewing, Clerk.*



Charley Thomas

VS.

SUBPOENA  
FOR  
WITNESS

Sarah Thomas

~~Office of M. B. City~~  
~~All Circuit~~ Court,  
in Jonesville, Va.

the 17 day of May,

1909.

Executed by  
Summoning Bayless  
Carter & Daniel Carter  
and pay there  
attendance in advance

C. E. Garrett, D.C.  
Hon. W. F. Tucker  
S.C.